

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

**₽**§1.56.

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

## A METHOD OF GENERATING A PLURALITY OF CHEMICAL COMPOUNDS IN A SPATIALLY ARRANGED ARRAY

	the specification of which:
	☑ is attached hereto ☑ was filed in the United States on January 20, 1995 as Application Serial No. 08/375,838 with a Preliminary Amendment filed on January 20, 1995. of applicable)
Ì	was filed as PCT international application Serial No on and was amended under PCT
, L	I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any

acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, hereby claim foreign priority benefits under Title 35, United States Code, §119/§172 of any foreign application(s) for patent or inventor's ecertificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that

	CION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIO CLAIME	RITY D UNDER . 119/172
			YES 🗆	NO [
		-	YES 🗆	NO [
			YES 🗆	NO 🗆
creby claim the benefit under Title 35, Unite			YES 🗆	NO 🗆

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this

APPLICATION SERIAL NO.	FILING DATE	STATUS			
		PATENTED	PENDING	ABANDONED	
				IDIATONEL	
				<del> </del>	

POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20823), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20823), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20060), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20060), Gerald J. Flin 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Isaac Jarkovsky (Reg. No. 22713), Joseph V. Colaianni (Reg. No. 20019), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 28749), Steph 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebel (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. 100. 2007), Jennifer Gordon (Reg. 100. 200 No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Albert P. Halluin (Reg. No. 25227), and Marcia H. Sundeen (Reg. No. 30893), whose address is Pennie & Edmonds, 1155 Avenue of the Americas, New York, New York 10036, and each of them, my attorneys, to prosecute this application, and to transact all

SEND CORRESPONDENCE TO: PENNIE & EDMONDS 1155 AVENUE OF TH NEW YORK, N.Y. 100 FULL NAME LAST NAME			THE AMERICAS F	DIRECT TELEPHONE CALLS TO: PENNIE & EDMONDS (212) 790-9090	
	2 OF INVENTO	R Zambias	FIRST NAME Robert	MIDDLE NAME	
0 1		Lexington	STATE OR FOREIGN COUNTRY Massachusetts	COUNTRY OF CITIZ	ENSHIP
	POST OFFICE ADDRESS	street 1308 Massachusetts Avenue	CITY Lexington	U.S.A.  STATE OR COUNTRY	
2 0 2	FULL NAME OF INVENTO	LAST NAME Bolten	FIRST NAME David	Massachusetts  MIDDLE NAME	02173
	RESIDENCE &	CITY Tinton Falls	STATE OR FOREIGN COUNTRY	A.  COUNTRY OF CITIZE	NSHIP
	POST OFFICE ADDRESS	<del></del>	New Jersey	U.S.A.  STATE OR COUNTRY	
2 0 3 3	FULL NAME OF INVENTOR	LAST NAME	Tinton Falls  FIRST NAME	New Jersey  MIDDLE NAME	2IP CODE 07724
	RESIDENCE & CITIZENSHIP	CITY Belmont	Joseph STATE OR FOREIGN COUNTRY	C.	
	POST OFFICE	STREET	Massachusetts	U.S.A.	SHIP
2 0 4	ADDRESS FULL NAME	50 Oak Avenue	Belmont FIRST NAME	STATE OR COUNTRY Massachusetts	21P CODE 02178
	OF INVENTOR RESIDENCE &	Furth	Paul	MIDDLE NAME	
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2 0 5	FULL NAME OF INVENTOR	Casebier	FIRST NAME David	MIDDLE NAME	01749
	RESIDENCE & CITIZENSHIP	стү Hudson	state or foreign country Massachusetts	COUNTRY OF CITIZENSH	IP .
	POST OFFICE ADDRESS	STREET 45 Priest Street	CITY Hudson	U.S.A.  STATE OR COUNTRY	ZIP CODE
0	FULL NAME OF INVENTOR	LAST NAME Tu	FIRST NAME Cheng	Massachusetts  MIDDLE NAME	01749
	RESIDENCE & CITIZENSHIP	стту Cambridge	STATE OR FOREIGN COUNTRY  Massachusetts	COUNTRY OF CITIZENSHII	,
	POST OFFICE ADDRESS	street 305 Memorial Drive	CITY	U.S.A.  STATE OR COUNTRY	ZIP CODE
		ments made herein of my own know	Cambridge	Massachusetts	02139

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

	any patent issuing thereon.	will talse statements
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SIGNATURE OF INVENTOR 204  DATE	SUNAPURE OF INVENTOR ASS  DATE  3 / 20 / 9 5	03-20-95 SIGNATURE OF INVENTOR 206  DATE  3/20/95
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

R. Zambias et al.

Serial No.: 08/375,838

Group Art Unit: To be

assigned

Filed: January 10, 1995

Examiner: To be assigned

For: A METHOD OF GENERATING A

PLURALITY OF CHEMICAL COMPOUNDS IN A SPATIALLY

Attorney Docket No.: 5925-022

ARRANGED ARRAY

## DECLARATION IN SUPPORT OF FILING ON BEHALF OF OMITTED INVENTOR UNDER 37 C.F.R. §1.47(a)

Honorable Commissioner of Patents and Trademarks Washington, D.C.

Sir:

- I, Allan A. Fanucci, a representative of the Applicants and appointed Power of Attorney by the Declaration and Power of Attorney filed concurrently with this Declaration in the above-identified application, hereby declare that:
- This declaration is made as to the facts which 1. are relied upon to establish the diligent efforts made to secure the execution of the Declaration and Power of Attorney by inventor Paul Furth, for the above-identified application both before and after deposit thereof in the United States Patent and Trademark Office.
- This declaration is being made on facts of which 2. I have first hand knowledge.
- Paul Furth is one of the named inventors of the above-identified application.
- The last known address of Paul Furth is 59 Bowdoin Street, Medford, Massachusetts, 02155.

- 5. By me or under my direction and control, several bona fide attempts were made to present a copy of the application papers for the above-identified invention (a specification including the claims, Declaration and Power of Attorney, and assignment) to Mr. Furth for his signature.
- 6. On March 28, 1995, a letter addressed to Paul Furth, 310 College Farm Road, Apt. 13, Waltham, Massachusetts 01749, transmitting a Declaration and Power of Attorney, as well as an Assignment was forwarded via Federal Express to Mr. Furth (Attached as Exhibit A). The March 28 letter references earlier occasions where Mr. Furth was provided with copies of the application papers and again requests that Mr. Furth review and execute these documents.
- 7. In response to the March 28th letter, I telephoned Mr. Furth and was informed that he had moved to a new address. Upon my request, Mr. Furth visited ArQule's offices on or about April 12, 1995 and retrieved copies of the application papers for this case.
- 8. On April 13, 1995, after Mr. Furth retrieved the application papers, I telephoned him to discuss execution of the documents. I was informed that he would return the executed documents by April 28, 1995. The executed documents were not returned by that date.
- 9. In a subsequent telephone conference on or about May 15, 1995, I was informed that Mr. Furth changed his mind and would not sign the Declaration and Power of Attorney nor the Assignment. I was not informed as to the reason why Mr. Furth now refused to execute the application papers. I was further informed that any additional inquiries regarding this subject should be made through Mr. Furth's attorney.
- 10. Based on the foregoing, I have concluded that Mr. Furth's conduct constitutes a refusal to execute the Declaration and Power of Attorney, as well as the Assignment

for the above-identified application, which were provided to him and which resulted from his work in the employ of the assignee, ArQule, Inc.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date\_\_\_5/30/95

Allan A. Fanucci

(Req. No.

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